

**ORDINANCE NO. 07-76**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 4 PARKING SPACES, WHERE 6 PARKING SPACES ARE REQUIRED, ALL LOCATED IN THE FRONT SETBACK, WHERE NONE ARE ALLOWED; WAIVE THE 6-FOOT WALL REQUIREMENT ALONG THE FRONT PROPERTY LINE; AND ALLOW UNITS WITH A MINIMUM TOTAL AREA OF 540 SQUARE FEET, WHERE A MINIMUM OF 750 SQUARE FEET ARE ALLOWED, CONTRA TO HIALEAH CODE §§ 98-2189(4), 98-881(1)a.2., 98-881(1)a.4. AND 98-877(b)(3). **PROPERTY LOCATED AT 51 WEST 4 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of August 22, 2007 recommended approval of this ordinance; and

**WHEREAS**, the petitioner proffers to renovate and improve the property by paving the front parking lot with stamped concrete, replace the front windows, remove the two east side doors on Unit 4 and repaint the building to comply with the HDUC color code, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The below-described property is hereby granted a variance permit to allow 4 parking spaces, where 6 parking spaces are required, all located in the front setback, where none are allowed; waive the 6-foot wall requirement along the front property line; and allow unit with a minimum total area of 540 square feet, where a minimum of 750 square feet are allowed, contra to Hialeah Code §§ 98-2189(4), 98-881(1)a.2., 98-881(1)a.4. and 98-877(b)(3), which provide in pertinent part: “The parking spaces shall be required for the residential component shall be governed by the requirements of the R-3-8 [R-3-D] multifamily zoning district [One and one-half parking spaces for each dwelling unit . . .],” “No parking in front setbacks in allowed.”, “Those areas along the side setback and the street side setback not covered by buildings shall be enclosed with a four-to six-foot concrete block wall.” and “Each residential unit shall have a minimum of 750 square feet.”, respectively. Property located at 51 West 4 Street, Hialeah, Miami-Dade County, Florida, zoned CR (Commercial Residential), and legally described as follows:

LOT 19, BLOCK 15, TOWN OF HIALEAH,  
ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 5, PAGE 77, OF THE  
PUBLIC RECORDS OF MIAMI-DADE COUNTY,  
FLORIDA.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

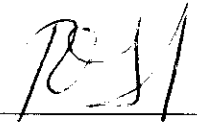
PASSED and ADOPTED this 11<sup>th</sup> day of September, 2007.

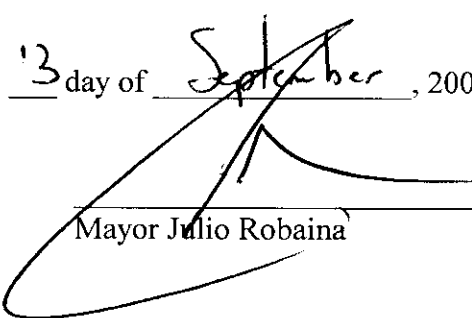
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

Approved on this 13 day of September, 2007.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".